

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

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In re application of)
 THEVELEIN et al.) Art Unit 1636
 Serial No. 09/330,262) Examiner: Remy Yucel, Ph. D.
 Filed: June 11, 1999)

FEB 08 2002

TECH CENTER 1600/290C

For: NEW STRAINS "fil", STRESS-RESISTANT UNDER FERMENTATION AND/OR
 GROWTH CONDITIONS

DECLARATION
AS TO DEPOSIT OF MICROORGANISM

I, ROSSI Jean-Paul, of Résidence La Buissonnière, 222 rue du Buisson, 59700 MARCQ EN BAROEUL, France, hereby declare and say:

1. I am Head of the Intellectual Property Department of LESAFFRE ET CIE, the owner of the above-identified patent application;
2. That cultures of the following strains have been deposited in the permanent culture collection of the Pasteur Institute [Collection Nationale de Cultures de Microorganismes (CNCM)], 25 rue du Docteur Roux, 75724 PARIS CEDEX 15, France and the deposit meets the criteria set forth in the Budapest Treaty:

Strain	Number	Date
PVD-1150=M5 fil1	I-2203	May 20, 1999
KL1=W303fil2	I-2032	May 27, 1998
FDS1=HL816 fil300	I-2033	May 27, 1998
FDH16-22=HL822fil300	I-2034	May 27, 1998
AT25=S47fil400	I-2035	May 27, 1998
AT28=S47fil500	I-2036	May 27, 1998

AT251	I-2222	June 10, 1999
AT252	I-2223	June 10, 1999
AT254	I-2224	June 10, 1999

3. That said cultures have been deposited under conditions which ensure that access to the cultures will be available during the pendency of the above-identified patent application to one determined by the Commissioner to be entitled thereto under 37 C.F.R. 1.14 and 35 U.S.C. §122;

4. That upon issuance of a patent on the above-identified application, all restrictions as to public availability of the culture deposits will be irrevocably removed and that said culture deposits will be replaced should the depository be unable to distribute the sample upon a proper request, during the period that extends thirty years from the date of the deposits, or the period of the enforceable life of the patent, or the period of five years after the last public request for the deposits, whichever period is longest; and

5. I declare further that all statements made on information and belief are believed to be true, and further that these statements were made with knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001, or Title 18, of the United States Code, and such willful false statements may jeopardize the validity of the instant patent application or any patent issuing thereon.

Date

December 7, 2001.

Jean-Paul ROSSI